

IC 31-17-4

Chapter 4. Visitation Rights of Noncustodial Parent

IC 31-17-4-1

Visitation rights

Sec. 1. A parent not granted custody of the child is entitled to reasonable visitation rights unless the court finds, after a hearing, that visitation by the noncustodial parent might endanger the child's physical health or significantly impair the child's emotional development.

As added by P.L.1-1997, SEC.9.

IC 31-17-4-2

Modification or denial; restriction of visitation rights

Sec. 2. The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child. However, the court shall not restrict a parent's visitation rights unless the court finds that the visitation might endanger the child's physical health or significantly impair the child's emotional development.

As added by P.L.1-1997, SEC.9.

IC 31-17-4-2.5

Security, bond, or guarantee

Sec. 2.5. The court may provide in:

- (1) a visitation order; or
- (2) a modification to a visitation order;

for the security, bond, or other guarantee that is satisfactory to the court to secure enforcement of the provisions of the visitation order.

As added by P.L.171-2001, SEC.13.

IC 31-17-4-3

Attorney's fees, court costs, and litigation expenses

Sec. 3. (a) In any action filed to enforce or modify an order granting or denying visitation rights, a court may award:

- (1) reasonable attorney's fees;
- (2) court costs; and
- (3) other reasonable expenses of litigation.

(b) In determining whether to award reasonable attorney's fees, court costs, and other reasonable expenses of litigation, the court may consider among other factors:

- (1) whether the petitioner substantially prevailed and whether the court found that the respondent knowingly or intentionally violated an order granting or denying rights; and
- (2) whether the respondent substantially prevailed and the court found that the action was frivolous or vexatious.

As added by P.L.1-1997, SEC.9.

IC 31-17-4-4

Permanent injunction against custodial parent

Sec. 4. A noncustodial parent who:

- (1) has been granted visitation rights with a child who lives with the custodial parent;
- (2) regularly pays support ordered by a court for the child; and
- (3) is barred by a custodial parent from exercising visitation rights ordered for the noncustodial parent and the child;

may file, in the court that has jurisdiction over the dissolution of marriage, an application for a permanent injunction against the custodial parent under Rule 65 of the Indiana Rules of Trial Procedure.
As added by P.L.1-1997, SEC.9.

IC 31-17-4-5

Temporary restraining order against custodial parent

Sec. 5. (a) If an application for an injunction has been filed under section 4 of this chapter (or IC 31-1-11.5-26 before its repeal), the court may grant, without notice, upon affidavit of the noncustodial parent, a temporary restraining order restraining the custodial parent from further violation of the visitation order.

(b) In the affidavit, the noncustodial parent must state under penalties for perjury that:

- (1) the noncustodial parent has been granted visitation rights with the child; and
- (2) the noncustodial parent regularly pays the support ordered by a court for the child.

As added by P.L.1-1997, SEC.9.

IC 31-17-4-6

Hearing

Sec. 6. A hearing upon the restraining order must be held at the earliest convenience of the court.

As added by P.L.1-1997, SEC.9.

IC 31-17-4-7

Security

Sec. 7. (a) This section does not apply to an order under section 2.5 of this chapter.

(b) A court may not require an applicant for a temporary restraining order or an injunction under section 4 of this chapter (or IC 31-1-11.5-26 before its repeal) to give security.

As added by P.L.1-1997, SEC.9. Amended by P.L.171-2001, SEC.14.

IC 31-17-4-8

Contempt

Sec. 8. A court that finds an intentional violation without justifiable cause by a custodial parent of an injunction or a temporary restraining order issued under this chapter (or IC 31-1-11.5-26 before its repeal):

- (1) shall find the custodial parent in contempt of court;
- (2) shall order the exercise of visitation that was not exercised due to the violation under this section at a time the court considers compatible with the schedules of the noncustodial parent and the child;

- (3) may order payment by the custodial parent of reasonable attorney's fees, costs, and expenses to the noncustodial parent; and
- (4) may order the custodial parent to perform community restitution or service without compensation in a manner specified by the court.

As added by P.L.1-1997, SEC.9. Amended by P.L.32-2000, SEC.19.

IC 31-17-4-9

Additional remedies

Sec. 9. The remedies in this chapter are in addition to and do not limit other civil or criminal remedies available to the noncustodial parent.

As added by P.L.1-1997, SEC.9.

IC 31-17-4-10

Missed visitation; parent in military

Sec. 10. A noncustodial parent who misses visitation as the result of participation in an activity of:

- (1) the Indiana National Guard; or
 - (2) a reserve component of the armed forces of the United States;
- may make up the lost visitation as provided in IC 10-2-4-23.

As added by P.L.103-1997, SEC.4.